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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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REBECCA HOM-ENG, et al.,

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Plaintiffs,

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v.

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STARBUCKS, et al.,

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Defendants.

No. C98-0264P

ORDER ON PLAINTIFF'S
MOTION TO EXCLUDE THE
TESTIMONY OF LIZA H. GOLD

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Plaintiff has filed a motion to exclude evidence the expert testimony of Dr. Liza H. Gold. Defendants intend to offer Dr. Gold's testimony to rebut certain testimony of Plaintiff's expert Susan Webb. In light of the Court's order on October 18, 1999, restricting the testimony of Ms. Webb, Defendants have withdrawn Dr. Gold as a rebuttal expert for all purposes except to rebut opinions of Ms. Webb regarding credibility.

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The Court does not reach the question of whether Dr. Gold is qualified to testify as an expert on this matter. Even assuming that she is qualified as an expert, her testimony is unnecessary and would not assist the trier of fact in this case. Dr. Gold's testimony is not needed because Ms. Webb will not be permitted to testify regarding the credibility of any witnesses in this case. As the Ninth Circuit has noted, "expert testimony to bolster or impugn the credibility of a witness is properly excluded." United States v. Rahm, 993 F.2d 1405, 1413 (9th Cir. 1993). In offering her opinions, Ms. Webb may be permitted to assume certain facts that are supported by evidence in the record, but she will not be permitted to offer her opinion regarding the credibility of any witness's version of disputed facts. It is the role of the jury to make such credibility determinations.

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Because Ms. Webb will not be permitted to offer testimony regarding credibility of witnesses, Dr. Gold's testimony will not be needed. Therefore, Plaintiff's motion is hereby GRANTED. The clerk is directed to provide copies of this order to all counsel of record.

Dated: Nov 1, 1999



Marsha J. Pechman
U.S. District Judge